



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/068,984

02/11/2002

Hiroko Sukeda

501.41162X00

4607

24956 7590 02/08/2007
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

APPLE, KIRSTEN SACHWITZ

ART UNIT

PAPER NUMBER

3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

02/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/068,984

Applicant(s)

SUKEDA ET AL.

Examiner

Kirsten S. Apple

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5, 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular it is indefinite and the examiner did not understand:

“storage means does not store information about purchases so far by said customer”

It is unclear to the examiner and one of ordinary skill in the art what is claim by this description. “A storage means that do not store information?” For the purposes of this review the examiner will interpret the claim to be:

“smartcard contains a storage device”

Claim Rejections - 35 USC § 102

The Examiner has read and reviewed all of the information provided by the Applicant. The examiner withdraws the rejection of claims 1-10 under 35 USC 102.

Claim Rejections - 35 USC § 103

The Examiner has read and reviewed all of the information provided by the Applicant. The examiner rejects as final claims 1-5 & 8-13 under 35 USC 103.

The Applicant attention is re-drawn to the following:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have

Art Unit: 3693

been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 & 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samra US Patent 6,970,830. in view of Official Notice.

Re claim 1 & 5 & 8: Samra discloses:

A customer relationship management system(see Samra, abstract) where:

System analyzes customer's buying habits (Samra, abstract, "analyzing the success of a marketing campaign" it is inherent that this would be customer buying habits for a particular group of products)

Determine a customer rank from purchase data (Samra, paragraph 11, "customers are rank ordered")

Database receives information about usage (Samra, Figure 2, item 30, database)

Calculates a value representing customer's buying habits (Samra, paragraph 11, "Net Present Value")

Analyses results (Samra, Figure 2, item 22)

Sends calculation results (Samra, Figure 2, item 34)

Although Samra does not have smartcard the examiner claims official notice that it is well know to one of ordinary skill in the art at the time of the invention that a smart card is a type of database

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add smartcard as taught in official notice to Samra.

It is clear that one would be motivated because convenience of smart card technology.

Re claim 2: Samra discloses:

Capability to present a service content according to a value of buying habit calculated (Samra, Figure 2, item 32)

Re claim 3 & 9: Samra discloses:

Uses type of information such as number of usage, a purchase amount, usage data/time, usage category (Samra, Paragraph 29)

Re claim 4 & 10: Samra discloses:

Storage means stores values of customer buying habits (Samra, Figure 2, item 30, database)

Database calculates the customer's latest buying habits based on information about purchases (Samra, Figure 2, item 32)

Re claim 11: Samra discloses:

Database calculates a value of customers latest buying habits from a time difference between a previous purchase and the more recent purchase. (Samra, paragraph 11)

Re claim 12: Samra discloses:

Database contains a storage device (Samra, Figure 2, item 30, database)

Re claim 13: Samra discloses:

Database receives information (Samra, Figure 2, item 30, database)

Calculations value of customer buying habits (Samra, paragraph 11, "Net Present Value")

Sends calculated value (Samra, Figure 2, item 30, database)

Response to Arguments

Applicant's arguments filed 11/13/2006 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1st: "There is no teaching or suggestion in Samra of the customer relationship management system as recited in claim 1 of the present invention."

The Examiner refutes the argument made by the Applicant and draws the attention to Figure 2. It is clear that this system has all the components to collect analysis and compute the customer information as proposed in the inventors relationship management system.

Applicants argued 2nd, "Samra does not disclose the use of a smart card to perform the processing in the claimed customer relationship management system."

The Examiner refutes the argument made by the Applicant and draws the attention to Samra, Figure 2, item 30, database. The examiner sites official notice that it is well know to one of ordinary skill in the art at the time of the invention that a smart card is a type of database.

Applicants argued 3rd, "Samra does not disclose where the smart card calculates a first value that represents the customers' latest buying habits."

The Examiner refutes the argument made by the Applicant and draws the attention to Samra, paragraph 11. More specifically Samra states "model" are used with "scores" of "relevant customer metrics." Clearly buying habits is a relevant customer metric.

Applicants argued 4th, "The use of two smart cards is not found in Samra"

The Examiner refutes the argument made by the Applicant and draws the attention to Samra, Figure 2, item 30, database. The examiner sites official notice that it is well know to one of ordinary skill in the art at the time of the invention that a smart card is a type of database.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

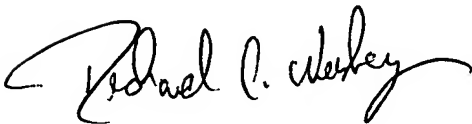
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

A handwritten signature in cursive script, appearing to read "Michael P. Wiley".A handwritten signature in cursive script, appearing to read "James Kramer".

2/5/07

James Kramer